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DAN SMOOT

SUBSIDIZED SEX AND INSTANT WELFARE

The Social Security Act of 1935 provides that a woman can get ADC funds (aid for dependent children) if the father of her children is continually absent from the home and contributes nothing to the support of his offspring. She cannot get ADC funds if her husband lives with her, even if he provides no support for her and the children.

This provision has encouraged paternal desertion and the breeding of illegitimate children. There are cases of fathers deliberately abandoning wife and children to make them eligible for ADC funds. There are cases of women refusing to marry the fathers of their children in order to qualify for ADC funds. There are cases of women having as many as a dozen illegitimate children, because they get additional ADC funds for each child.

Indeed, breeding children as a cash crop has become a way of life for many women. The burden that this imposes on taxpayers—not to mention the grave social and political problems it creates—is truly enormous.

Recent statistics released by the U.S. Department of Health, Education, and Welfare indicate how grave the problem of illegitimacy has become in the 30 years since the social security act was passed. Since the mid-1950's, the general birth rate in the United States has been declining rapidly. In the same period, the illegitimate birth rate has almost doubled. Today, approximately 1 out of every 20 white babies and 1 out of every 4 nonwhite babies are illegitimate.[1]

At the end of 1966, aid to families with dependent children was costing about $1.5 billion a year—a 150% increase over 10 years before, and the swarms of fatherless youngsters were multiplying in the big cities.[2] More than half of the 8.25 million persons on welfare in the U.S. are in "ADC families."

Recognizing that tax-subsidized illegitimacy is a destructive social malignancy, Alabama and 19 other states formulated welfare rules to discourage it. Under these rules, a woman cannot get aid for her dependent children if she is cohabiting with a man, whether legally married to him or not. In

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other words, if a woman keeps a "man in the house" who is not the legal father of her children, he is considered, under the welfare regulations, a "substitute father" who should help support the children; and the woman is not eligible for ADC funds.[11]

The welfare policies of the federal government have caused another, and related, social problem of disastrous dimensions: the piling up in big cities of unemployed people who do not work because they do not want to work. They go to cities where they can get more welfare benefits for doing nothing, than self-supporting, tax-paying citizens can earn by working.

A man and wife who work, paying the maximum social security taxes until they retire at age 65, can draw $3311 a year in social security retirement benefits. If the woman spent her life as a housewife and the man was the only wage earner, their maximum retirement benefits under social security would be $2447 a year. Relief families who have large broods of children and who never paid any taxes or otherwise contributed to the productivity of the nation can get as much as $7000 a year in welfare benefits.[3]

As the relief rolls grow, the burden on workers who pay taxes becomes crushing. Hordes of idle reliefers, demonstrating for bigger handouts, are goaded into hatred of, and outright warfare against, the society which supports them in idleness.

Some 46 states and the District of Columbia, trying to stem the dangerous influx of reliefers, established waiting periods to keep people off relief rolls until they had resided in the state for a minimum time (usually, 1 year).

In 1967, poverty war agencies and the American Civil Liberties Union (supported by ultra-liberal civil rights groups, religious organizations, and others) induced and financed reliefers in various states to bring suits in federal courts challenging the "substitute father" rules and residency requirement regulations which states had adopted to alleviate the social and financial problems caused by the breeding of illegitimate children and the excessive migration of unemployed persons into overcrowded cities for the purpose of living on welfare.

A Connecticut community action group (poverty-war agency funded with tax money provided by the Office of Economic Opportunity) sued to outlaw the Connecticut welfare residency requirement. On June 19, 1967, a 3-judge federal court in Hartford ruled that Connecticut's 1-year residency requirement was unconstitutional.[3]

In the District of Columbia, the Neighborhood Legal Services (poverty-war agency funded with tax money from the OEO) brought suit on behalf of welfare "clients," challenging the District's residency requirement. In November, 1967, a 3-judge federal court in Washington nullified the residency requirement.[4]

A similar case, challenging a residency requirement in Pennsylvania, was decided in favor of reliefers by a federal court in Pennsylvania.

The federal courts invalidated the welfare residency requirements on the grounds that they violate reliefers' rights to travel freely from one state to another, and that they violate the "equal protection" clause of the 14th Amendment by denying some needy persons in the state benefits which other needy persons get.[5]

In Alabama, the mothers of about 16,000 children (63% of them Negro) were removed from welfare rolls after the "substitute father" regulation was implemented in July, 1964.[6] On behalf of a Negro woman in Selma, Alabama, the American Civil Liberties Union brought suit challenging the State's "substitute father" welfare policy. Alabama welfare officials had denied the woman aid for dependent children after determining that she was having illicit relations with a man who was married to another woman. In November, 1967, a 3-judge federal court nullified Alabama's "substitute father" rule.

In Louisiana, a "non-legal union" policy (in effect since 1936) denies aid to a mother for dependent children if she lives permanently with a

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man other than her husband. On March 11, 1968, a federal court in Shreveport nullified the "non-legal union" policy, and ordered the State of Louisiana to give dependent-children aid to the mothers of some 10,000 children—mothers who had been denied the aid because of their illegal cohabitation with men. Under the court order, the State must reimburse mothers who do not now have dependent children but who were denied ADC funds years ago when their children were minors—in some cases, as long ago as 1936. The order will cost Louisiana about $20 million.[7]

The federal courts invalidated the states' "substitute father" welfare rules on the grounds that there was no rational basis for denying welfare benefits to children because of their parents' misconduct. The courts overlooked the obvious fact that the welfare benefits do not go to the hapless children, but to mothers—many of whom let their children run wild, improperly fed and clothed, while the ADC funds (taken out of the paychecks of decent parents who support their own children and respect the laws and mores of society) are spent on vices, luxuries, and boyfriends.

Four of the welfare cases I have mentioned came before the Supreme Court during the term that ended June 17, 1968: the Alabama "substitute father" case, and the "instant welfare" cases from Connecticut, Pennsylvania, and the District of Columbia.

On May 1, 1968, the Supreme Court heard arguments in the 3 "instant welfare" cases. Briefs in support of the "instant welfare" decisions of the lower federal courts were filed by the National Conference of Catholic Charities; the American Jewish Congress; the Council of Jewish Federations and Welfare Funds; the National Council of Churches; the Scholarship, Education and Defense Fund for Social Equality; and the National Board of the Young Women's Christian Association.[4]

Several of the Supreme Court Justices—especially Thurgood Marshall—sharply questioned attorneys defending the state residency requirements. Marshall twice referred to the requirements as laws which "fence out the poor." He sarcastically asked the attorney defending Pennsylvania's residency requirement, "Are you afraid of a march on Harrisburg?"[4]

On May 3, 1968 (2 days after the Supreme Court heard arguments on the "instant welfare" cases), James Bevel (an organizer of the Southern Christian Leadership Conference's Poor People's Campaign) was in Mississippi recruiting participants for the Poor People's March on Washington, promising them they could all go on welfare as soon as they arrived in Washington (thanks to the "instant welfare" ruling already in effect under a lower court ukase and apparently supported by the Supreme Court).[8]

The Supreme Court did not, however, hand down a decision on the 3 "instant welfare" cases. On June 17, 1968, the Court ordered the 3 cases held over for reargument at the next term (beginning in the fall of 1968).

On June 17, the Supreme Court handed down a decision in the Alabama "substitute father" case — upholding the lower court decision which had nullified the Alabama rule.

The Supreme Court's "substitute father" decision in the Alabama case is, in effect, an order for the 20 states that have such welfare rules to appropriate and use tax money for subsidizing illegitimacy. If complied with, it will force these 20 states to add hundreds of thousands of persons to their welfare rolls.[9]

If, at the next term, the Supreme Court upholds the "instant welfare" rulings of lower courts (as seems almost certain), the problems of crime, rioting, and tax-subsidized unemployment in big cities will be aggravated.

The federal courts have no constitutional authority to dictate welfare policies to state governments, even though state governments are receiving (unconstitutionally) matching funds from the federal government for their welfare programs.

What can be done? There is plenty that the national Congress could do; but it will do nothing until we elect a Congress of men who understand

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and respect our Constitution. Meanwhile, states and cities need *immediate* relief.

They could get that relief by *interposition.* According to Thomas Jefferson, author of the Declaration of Independence, and James Madison, often called the Father of our Constitution, each state government has a right to *interpose* its own power to protect its own citizens from illegal acts and orders of the federal government—and has an obligation to do so when the matter involved is of "palpable importance." In short, in matters of great importance, state governments should refuse to obey federal court decrees which are manifestly unconstitutional.

That is what officials of some states (Michigan, for one) say they plan to do. The welfare director of Louisiana has the best plan of all. He says "we may decide to do away with aid to dependent children completely."(10) If the federal bureaucracy retaliates by eliminating all federal aid to the state for all purposes, the state should stick to its course. If all state governments did that, the unconstitutional federal welfare-state dictatorship would be dismantled. The people should support state officials who show sense and courage in this matter, refusing to be intimidated by the greedy who complain about "losing our federal aid."

SUGGESTION: Urge your governor, legislators, and welfare officials to invoke interposition against being forced by illegal federal court decrees to give your money to reliefers not entitled to welfare under the rules and regulations of your state. Send them copies of this *Dan Smoot Report.*

ABOLISH THE HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES?

Ultra-liberals and communists have tried unsuccessfully for years to abolish the House Committee on Un-American Activities. That objective might now be accomplished with a bill introduced by Representative Richard Ichord (Missouri Democrat). Ichord's bill would merely change the name of HCUA to *Committee on Internal Security.* But that would enable the House leadership to appoint a new roster of members to the new committee. Since the House leadership is liberal, it is doubtful that conservative anti-communists would be appointed. So, in effect, the old Committee on Un-American Activities would be abolished; and a precedent would be set for circumventing the seniority system on all committees of Congress.

If you disapprove, you should write or wire your U. S. Representative, urging him to vote against Richard Ichord's bill to change the name of the House Committee on Un-American Activities.

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FOOTNOTES

(1) *U.S. News & World Report,* June 24, 1968, p. 65

(2) *U.S. News & World Report,* Dec. 25, 1967, p. 46

(3) *U.S. News & World Report,* July 17, 1967, p. 46

(4) *The Evening Star* (Washington, D.C.), May 2, 1968, p. B-6

(5) *The Dallas Morning News,* editorial, Nov. 12, 1967

(6) *The Dallas Times Herald,* Jan. 8, 1968, p. 14 A

(7) *The Dallas Morning News,* Mar. 13, 1968, p. 12 A

(8) *The Evening Star* (Washington, D.C.), May 4, 1968, p. 1

(9) *The Dallas Times Herald,* June 26, 1968, p. 22-A

(10) *The New York Times,* June 20, 1968, p. 38

(11) The 20 states with "man in the house" welfare rules: Alabama, Arizona, Arkansas, Connecticut, Georgia, Indiana, Louisiana, Maine, Michigan, Mississippi, Missouri, New Hampshire, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Vermont, Virginia

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